

Appln. No. 10/700,949
Amendment dated March 21, 2005
Reply to Office Action mailed December 21, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 10 remain in this application. No claims have been cancelled or withdrawn. Claim 11 has been added.

Paragraphs 1 through 6 of the Office Action

Claims 1, 2, 5, 8 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Anderson.

Claims 3 and 4 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Anderson.

Claims 6 and 7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Anderson in view of Shipstead.

Claim 10 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Anderson in view of Shipstead and Mertz.

Claim 1, particularly as amended, requires "a resiliently deformable pad being *removably mounted* on said strap in said foot loop". This feature of the invention permits the pad to securely and accurately positioned with respect to the foot loop, yet permits removal of the pad for storage or washing.

The rejection of the Office Action alleges that Anderson, in view of Shipstead, suggests the pad of the invention, but assuming just for the purposes of argument that such a combination of Anderson and Shipstead is in fact obvious, it is noted that the Shipstead patent provides no indication of whether the arch support pad 8 is mounted on the second strap 5, or simply loosely positioned between the foot and the strap, and thus also does not provide any indication of whether there is any *removable* mounting of the pad 8 to the strap 5. Thus, one of ordinary skill in the art is left

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guessing as to the nature of the relationship between the pad and the strap in Shipstead, and therefore it is submitted that one of ordinary skill in the art could not be led to the claimed "removably mounted" relationship of claim 1.

Further, claim 1 further requires "means on said strap for adjusting an effective circumference of said foot loop formed by said strap". This feature of the invention permits the size of the foot loop to be adjusted for different foot sizes so that the foot loop is not too loose (and the foot of the user falls out of the foot loop) or too tight (and the foot of the user becomes pinched or constricted by the foot loop).

In contrast, the Anderson patent describes a "disabled limb strap" that is only able to form one size of loop, due to the interaction of the D-ring 11 and the V-notches 8 in the strap. Anderson confirms this in lines 23 through 24 of col. 2, where it is stated that "[t]his forms a stop for the ring and forms a loop of fixed size". However, this obviously prevents any adjustment of the loop of Anderson, and could lead to the problems mentioned above that the claimed invention avoids (too tight or too loose on the user's foot).

Further, claim 10 (and added claim 11) require:

a plurality of apertures extending through said strap and being arranged substantially along a line extending from said first end toward said second end; and

a buckle for detachably coupling said first end of said strap to a location on said strap between said first and second ends of said strap to form said foot loop, said buckle being mounted on said strap at a spaced location from said first end of said strap, said buckle defining an opening for receiving said first end portion of said strap, said buckle including a prong insertable into one of said apertures formed in said first end portion of said strap to adjust a position of said end

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portion of said strap with respect to said buckle to adjust a circumference of said foot loop".

Thus claimed structure is submitted to be completely foreign to the Anderson patent, as there is no adjustability in the Anderson structure, and Anderson actually argues for a fixed size and thus leads one of ordinary skill in the art away from any adjustability.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Anderson, Shipstead, and Mertz set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1 and 10. Further, claims 2 through 9, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.


Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 10 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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